

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

ERIC S. MCGILL, JR.,

Plaintiff,

v.

TIMOTHY L. CLEMENTS, Deputy  
Warden of Operations of Lebanon  
County Correctional Facility, et al.,

Defendants.

CIVIL ACTION NO. 3:19-cv-01712

(SAPORITO, M.J.)

FILED  
WILKES BARRE  
JAN 22 2021  
PER MS  
DEPUTY CLERK

ORDER

AND NOW, this 22<sup>nd</sup> day of January, 2021, in accordance with  
the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The plaintiff's demands for declaratory and injunctive relief  
are **DISMISSED as MOOT**;
2. The Lebanon County Defendants' Motion to Dismiss (Doc. 42)  
is **GRANTED in part and DENIED in part**;
3. The plaintiff's RLUIPA claims for damages against the  
individual defendants—Timothy L. Clements, Michael Ott, and Robert J.  
Karnes—in their official capacities, set forth in Count 1 of the amended  
complaint, are **DISMISSED as redundant**;
4. The plaintiff's RLUIPA claim for compensatory damages

against Lebanon County, set forth in Count 1 of the amended complaint, and his § 1983 claims for damages against all defendants, set forth in Counts 2 and 3 of the amended complaint, shall be permitted to proceed; and

5. The defendants shall file an answer to the amended complaint (Doc. 30) **within fourteen (14) days** after the date of this Order, pursuant to Rule 12(a)(4) of the Federal Rules of Civil Procedure.

  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge